

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

BARRY LINTON,	:	
	:	
Plaintiff	:	
	:	
v.	:	
	:	
NEW YORK LIFE INSURANCE AND ANNUITY	:	
CORPORATION,	:	C.A. No. 04-11362-RWZ
	:	
Defendant.	:	
	:	
	:	

PLAINTIFF'S MOTION TO ALTER AND AMEND JUDGMENT

Plaintiff, Barry Linton ("Linton") respectfully moves for an order to alter or amend the Court's Decision and Order, dated September 18, 2006 ("Order") pursuant to Fed. R. Civ. P. 59(e). Specifically, Linton asks the Court to reconsider its Order and enter Judgment in favor of Linton, or in the alternative, set a trial date to resolve the genuine issues of material fact. The accompanying Memorandum of Law is filed in support of this Motion and attached hereto and made a part hereof.

WHEREFORE, the plaintiff, Barry Linton, requests that this Court enter an Order amending or altering its Memorandum of Decision and Order dated September 18, 2006 and grant such other and further relief as is just and proper.

BARRY LINTON,

By his attorneys,

/s/ P. Andy Henderson Jr.
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